

VALLEY CITY COUNCIL

REGULAR MEETING

September 13, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:08 p.m., on September 13, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Council member Mike Stanzel was not present. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Doug Eggen led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Carol Beaver, 615 North Spruce Street requested more information on the North Spruce Street drainage project. Her concerns were how deep will it be? It runs right behind her home,,will it be a lake that will be a mosquito magnet and a danger to her grandchildren and pets

Rick Sholtz, 607 North Spruce Street -the culvert is way high, public health and safety issues with the trash & farm debris that washes into the area. The scum at the Y is a safety issue for the kids, the water needs to keep moving.

Jim Olmsted made notes of the concerns voiced and will address during the engineer's part of the agenda.

Council member Marshall moved to approve the agenda. Ueckert seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried.

Council member Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. Consent agenda items were: Accept minutes of August 9 and 30, 2011 and treasurer's report, present bills paid during the month, August payroll \$44,225.24/IRA\$738.50, July Keno receipts \$2,049.95, accept PeopleService, Inc report. Approve bills and additional bills presented for payment.

City engineer Jim Olmsted reported the North Spruce Street drainage has been designed and the contract let. The contractor will clear debris and dig a ditch from Center to Spruce. We are currently looking at alternatives to proceed.

Carol Beaver - Will it drain northwest of Spruce

J. Olmsted - Over the years the swale has grown in. This project is intended to open up the area because of flooding. The ditch will be deepened for better drainage. The 8" culvert will be replaced with 24" culverts to handle the flow. The city will maintain the drainageway. We are working to open drainage to the Elkhorn River.

G. Beaver commented about the field debris and what will be done. Olmsted answered we will have to deal with this.

Mayor Caffey interjected that as part of our CRS Certification city personnel inspect the drainage ways and file a written report after each 1" rain. We have had marvelous success with the South East Street drainage. There are more demands the by State, EPA and the NRD on the city to act.

The pile of trees and debris will be removed by the contractor. We expect the project to be completed before winter. The ditch will have a 3 to 5 foot flat bottom.

Southeast Drainage Improvements - The contractor is seeding today, final close out will be ready for the September 27 meeting.

Demolition/Clearing project at 5737 Twin Rivers Circle - Three bids were received ranging from \$30,200 to \$49,890. The engineer recommended council award the contract to the low bidder who is a quality contractor.

Council member Marshall introduced, read and moved for approval of Resolution 2011-35 to authorize the mayor to enter into a contract with Midwest Demolition for the demolition and clearing of property located at 5737 Twin Rivers Circle for \$30,200. Lewis seconded. Following discussion, Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Sale of surplus former library building - It is a shell of a building that will need to be finished and removed from the premises. Public Works will disconnect and clean up the property.

Council member Ueckert introduced, read and moved for approval of Resolution 2011-34 to authorize Mayor Caffey to execute a purchase agreement with NuTrend for the sale of a 2001 70' x 32' Champion portable unit for \$13,625.00. Marshall seconded. Following discussion Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Water Distribution Planning - Several routes to complete the water main loop to the east of the water treatment plant have been suggested. The engineers will meet with the City and PeopleService to discuss, study and formulate a plan.

Miscellaneous - The analysis on the corroded section of water pipe showed it could be a stray current of electrolysis, a grounding issue, or a power source. Researchers are working to identify the cause.

Council member Lewis introduced, read and moved for approval of Resolution 2011-36, to approve the final pay request for the library renovation project from Calabretto Building Corporation for \$33,880.61. Marshall seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of said

resolution is on file at city hall.

Mayor Caffey reported the council and library board presidents attended meetings and did a good job of monitoring and overseeing the project.

Council member Marshall, on record, thanked Calabretto Construction for an excellent job.

Council member Marshall presented to the city attorney for final reading, Ordinance No. 626 entitled: AN ORDINANCE REPEALING SECTION 6-208 OF THE VALLEY MUNICIPAL CODE. AN ORDINANCE FIXING THE WATER RATES AND CHARGES FOR RESIDENTIAL PROPERTY INSIDE THE CITY LIMITS, FOR RESIDENTIAL PROPERTY OUTSIDE THE CITY LIMITS, AND FOR COMMERCIAL AND INDUSTRIAL PROPERTY; FIXING THE MANNER IN WHICH WATER CONSUMERS SHALL BE RELIEVED OF LIABILITY FOR WATER RATES; PROVIDING FOR DELINQUENCY CHARGES ON PAST DUE WATER BILLS; DETERMINING THAT THE WATER CHARGES IN THIS ORDINANCE ARE JUST AND EQUITABLE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Council member Marshall moved for passage of Ordinance No. 626, which motion was seconded by council member Ueckert. The Mayor then stated the question "Shall Ordinance No. 626 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Action on the line of credit was moved to the next council meeting.

The council meeting was recessed for the public hearings.

The public hearing for input and comment on the proposed 2011-2012 Budget was opened at 8:00 p.m.

Kent Speicher, CPA reviewed the lid computation, the calculation of levies and allowable growth increase, property tax allocation and summary of all funds.

There were no questions or comments.

The public hearing for input and comment to set the 2011-12 final tax request was opened at 8:15 p.m.

Kent Speicher, CPA noted the purpose of the hearing is to approve a levy that is different from last year and reviewed the calculation of levies.

There were no questions or comments.

The Hearings were closed at 8:20 p.m.

The council meeting was reconvened in regular session at 8:20 p.m.

Council member Marshall introduced Ordinance No. 627 entitled: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES

AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Ueckert. The Mayor then stated the question "Shall Ordinance No. 627 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Lewis introduced, read and moved for approval of Resolution 2011-33, to set the property tax request for 2011-2012 at \$.450000 for the General Fund and \$.086190 for the Bond Fund - total levy .53619. Marshall seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

The Mayor reported the end of year meeting will be September 27 at 7 p.m. D. C. West Homecoming Parade is September 23 at 2 p.m. The Visiting Nurse Flu Clinic is October 19 from 1 to 3 p.m. We are about three steps closer to implementing on-line payments. A PeopleService O & M review committee will be meeting soon.

The meeting was adjourned at 8:30 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

VALLEY CITY COUNCIL

REGULAR MEETING

August 9, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:00 p.m., on August 9, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Council member Marshall led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Council member Stanzel moved to approve the agenda. Ueckert seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried.

Council member Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried. Consent agenda items were: Accept minutes of July 12, 2011 and treasurer's report, present bills paid during the month, July payroll \$44,376.76/IRA\$738.50, June Keno receipts \$2,426.86, accept PeopleService, Inc report. Approve bills and additional bills presented for payment.

There was no action on agenda item 8 as it is still in revision.

Council member Ueckert introduced, read and moved for approval of Resolution 2011-27. adoption of the Pappio-Missouri River Natural Resources District Multi-Hazard Mitigation Plan. Lewis seconded. Ueckert, Lewis, Marshall and Stanzel voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

a. North Spruce Street Drainage - The city engineer recommended approval of pay request no. 2, representing work completed before the stoppage. A follow up payment will be due in September.

Council member Marshall introduced, read and moved for approval of Resolution 2011-28, pay request #2 to Goree Excavating, \$15,547.50 for work completed to date on the North Spruce drainage project. Ueckert seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

b. Southeast Drainage Improvements - The project is virtually complete with final fine grading and seeding left to do. The project will be at 90% level at the August 30 meeting.

c. Bids for the demolition and clearing at 5737 Twin Rivers Circle will be opened September 13. There will be a pre-bid conference, including an inspection of the property August 30 @2:30 p.m. at the site. The engineer is getting a certified asbestos report. Neighboring property owners will be notified in advance of the demolition.

d. The sale of the surplus former library building is being done by statutory procedure, with notice to direct the sale of the building. The City will disconnect all utilities. The sale will be advertised, posted at plan services and a sign will be placed on the premises.

Council member Stanzel introduced, read and moved for approval of Resolution 2011-29, directing the sale of certain personal property, the manner and terms of such sale

and specifying and approving other actions thereon. Lewis seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

e. Miscellaneous - A section of water main from North Spruce Street has been sent to Cincinnati by Terra Con for analysis. Water service was interrupted to 3M, Midwest Manufacturing and Mallard Landing while repairs were being made to a service line along Meigs Street that had been nicked by Black Hills Energy during a gas main extension.

Council member Lewis presented to the city attorney for the second reading, Ordinance No. 626 entitled: AN ORDINANCE REPEALING SECTION 6-208 OF THE VALLEY MUNICIPAL CODE. AN ORDINANCE FIXING THE WATER RATES AND CHARGES FOR RESIDENTIAL PROPERTY INSIDE THE CITY LIMITS, FOR RESIDENTIAL PROPERTY OUTSIDE THE CITY LIMITS, AND FOR COMMERCIAL AND INDUSTRIAL PROPERTY; FIXING THE MANNER IN WHICH WATER CONSUMERS SHALL BE RELIEVED OF LIABILITY FOR WATER RATES; PROVIDING FOR DELINQUENCY CHARGES ON PAST DUE WATER BILLS; DETERMINING THAT THE WATER CHARGES IN THIS ORDINANCE ARE JUST AND EQUITABLE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. The city attorney completed the second reading of the ordinance.

A budget work session with the CPA will be held August 30 at 7 p.m. The budget hearing will be held September 13, 2011.

Mayor's Report - Shawn Smith has been asked to serve as responsible charge by Yutan for a federal grant project. There will be an inter- local agreement for council action.

Council members were urged to check out the new path and patio that have been installed at the new library location. A 6-sided picnic table will be installed at a later date.

Council members Rod Marshall and Mike Stanzel and public works superintendent Ken Grimm will participate in a review of the PeopleService, Inc. contract review and evaluation. Jim Olmsted will act as resource person.

The mayor's budget line item has enough money to purchase net books for council members. This will increase efficiency and reduce time spent and paper used in assembling monthly council notebooks.

The pool is closed and draining.

The YMCA Fun Run will be held September 11.

September 9, D C West School elementary and high school student teams will place in front of the school, 3000 flags with the names of 9-11 victims.

Other items - the planning commission will have a work/study session August 23.

The meeting was adjourned at 8:10 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

CITY OF VALLEY PUBLIC HEARING

July 12, 2011

Mayor Caffey called the public hearing to order at 7:03 p.m. and stated a copy of the open meetings act is located on the north wall of the council chamber.

Proof of publication was available on the council desk and posted in the city office window.

Present were mayor Mary Caffey, council members Linda Lewis, Rod Marshall, Mike Stanzel and Bryon Ueckert.

The purpose of the public hearing is for comments and input on proposed changes to subdivision and zoning regulations.

Zoning Administrator Michael Burns, 203 North Spruce Street stated that both he and the city engineer had reviewed the changes and would answer any questions.

There were no questions or comments. The hearing was adjourned at 7:05 p.m.

VALLEY CITY COUNCIL

REGULAR MEETING

July 12, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:05 p.m., on July 12, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Council member Ueckert led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak.

Once Council is into the agenda and business meeting there will be no interaction from the floor.

Council member Stanzel moved to approve the agenda. Marshall seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried.

Council member Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried. Consent agenda items were: Accept minutes of May 24, June 14 and June 28 and treasurer's report, present bills paid during the month, June payroll \$71,487.02/IRA\$1,090.53, May Keno receipts \$1,346.66, accept Planning Commission minutes of June 21, 2011 and PeopleService, Inc report. Approve bills and additional bills presented for payment.

Carolyn Hutchinson has requested a hearing impaired sign on South Mayne Street. She has been declared legally deaf by a licensed physician. Council member Marshall moved to approve the proper signage be erected at 400 South Mayne Street. Ueckert seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one. Motion carried.

Council member Stanzel introduced Ordinance No 624 entitled: AN ORDINANCE OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, TO AMEND SECTIONS OF THE VALLEY SUBDIVISION REGULATIONS, and moved that the statutory rule requiring reading on three different days be suspended. Council member Ueckert seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Ueckert, Lewis, Marshall. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by the city attorney and thereafter council member Stanzel moved for final passage of the ordinance, which motion was seconded by council member Marshall. The Mayor then stated the question "Shall Ordinance No.624 be passed and adopted." Upon electronic vote, the following Council members voted YES: Stanzel, Ueckert, Lewis, Marshall. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Marshall introduced Ordinance No 625 entitled: AN ORDINANCE OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, TO AMEND SECTIONS OF THE VALLEY ZONING REGULATIONS, and moved that the statutory rule requiring reading on three different days be suspended. Council member Stanzel seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by the city attorney and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Stanzel. The Mayor then stated the question "Shall Ordinance No.625 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: No one. The passage

and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Bill Harvey, 11248 John Galt Boulevard, Big Red Keno attorney, explained Big Red would like council permission to increase the amount of the excess prize fund which would give them more flexibility to offer special games and higher prizes. The top prize will remain \$25,000. He reported that Outer Limits chose to end their keno operation on July 1.

Council member Lewis introduced and moved for approval of Resolution No. 2011-25, to approve and authorize the mayor to execute amendment No. 3 to the lottery agreement with EHPV Lottery Services LLC dba Big Red Keno to increase the maximum amount of the Excess Prize Reserve from \$25,000 to \$50,000. Ueckert seconded. Following reading by the city attorney, Lewis, Marshall, Stanzel and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution in on file at City Hall.

The City engineer reported The North Spruce Street Drainage Project is still in standby mode.

2011 Sanitary Sewer Repair Project - The project is complete, and the project warranty is 2 years. He recommended approval of close out documents and final pay request.

Council member Stanzel moved to approve the certificate of substantial completion for the 2011 sanitary sewer repair project phase I as presented by the city engineer. Ueckert seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried.

Council member Ueckert introduced and moved for approval of Resolution No. 2011-24, to approve pay request #3 to Thompson Construction for \$10,424.88. Lewis seconded. Following reading by the city attorney, Ueckert, Lewis, Marshall and Stanzel voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution in on file at City Hall.

Southeast Drainage Improvements - Most of the heavy work is done, the contractor was released to perform flood assistance, culvert elevations were matched for positive drainage, there is no pay request.

Miscellaneous - The water tower has been inspected and cleaned.

Council member Marshall moved to set mileage reimbursement to 55¢ per mile. Stanzel seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one. Motion carried.

Council member Marshall introduced Ordinance No. 626 entitled: AN ORDINANCE REPEALING SECTION 6-208 OF THE VALLEY MUNICIPAL CODE. AN ORDINANCE FIXING THE WATER RATES AND CHARGES FOR RESIDENTIAL PROPERTY INSIDE THE CITY LIMITS, FOR RESIDENTIAL PROPERTY OUTSIDE THE CITY LIMITS, AND FOR COMMERCIAL AND INDUSTRIAL PROPERTY; FIXING THE

MANNER IN WHICH WATER CONSUMERS SHALL BE RELIEVED OF LIABILITY FOR WATER RATES; PROVIDING FOR DELINQUENCY CHARGES ON PAST DUE WATER BILLS; DETERMINING THAT THE WATER CHARGES IN THIS ORDINANCE ARE JUST AND EQUITABLE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. The city attorney completed the first reading of the ordinance.

The city attorney advised there was no reason to adjourn in closed session.

The Mayor reported lane and turn markers have been installed on Spruce Street. The library landscaping grant work has been completed and the paperwork has been submitted. The library walk through is scheduled for July 20. The results of the leak detection survey conducted by Nebraska Rural Water were: Two hydrants in the park were leaking and have been repaired. A fire hydrant on 264th was leaking, it has been turned off and the PeopleService representative believes it is still under warranty and is checking with the manufacturer. The chlorinator room at the water treatment plant is being cleaned and painted in conjunction with the installation of new chlorine regulators, lines, fittings and injectors.

The meeting was adjourned at 8:40 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

CITY OF VALLEY PUBLIC HEARING

May 10, 2011

Mayor Caffey called the public hearing to order at 7:00 p.m. and stated a copy of the open meetings act is located on the north wall of the council chamber.

Proof of publication was available on the council desk and posted in the city office window.

Present were mayor Mary Caffey, council members Linda Lewis, Rod Marshall, Mike Stanzel and Bryon Ueckert.

The purpose of the public hearing is for comments and input on applications to rezone.

From I-2 (Heavy Industrial) to I-3 (General Industrial) a parcel of land located in the Northeast Quarter of Section 6, Township 15 North, Range 10, East, excluding land(s) situated in the Southeast Quarter of the South Half of the Northeast Quarter and land situated in the Northeast Quarter of the Northeast Quarter divided by 264th street in Section 6, Township 15 North, Range 10 East of the 6th P. M. Douglas County, Nebraska consisting of 114.23 acres.

The R-3 Zoning is similar to an Industrial Park, bordered on two sides by residential and on two sides industrial. There is more lighting required and limited semi traffic.

From 1-2 (Heavy Industrial) to R-2 (Medium-High Density Residential) a parcel of land located in the South half of the Northeast quarter of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska consisting of 31.39 acres.

The R-2 zoning is the property owned by the Catholic Church which may or may not be the site of a school in the future.

There were no questions or comments. The hearing was adjourned at 7:05 p.m.

VALLEY CITY COUNCIL

REGULAR MEETING

May 10, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:05 p.m., on May 10, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Council member Stanzel led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Visitors and Correspondence included a thank you from Douglas County West Community Schools for the pool party pass donation for post prom and a letter from the Arbor Day Foundation naming Valley as a Tree City USA community and for achieving the 2010 Growth Award.

Council member Marshall moved to approve the agenda. Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried.

Council member Stanzel moved to approve the consent agenda. Ueckert seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. Consent agenda items were: Accept minutes and treasurer's report, present bills paid during the month, April payroll \$40,573.70/IRA\$726.20, March Keno receipts \$1,600.89, accept Planning Commission minutes of April 19, 2011 and Peopleservice, Inc report. Approve bills and additional bills presented for payment.

Council member Ueckert introduced Ordinance No. 622 entitled: AN ORDINANCE

AMENDING THE ZONING REGULATIONS OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FINDING THE PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE PLANNING BOARD OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FOR ITS RECOMMENDATION AND THAT IT RECOMMENDED THE ADOPTION OF THE AMENDMENT; FINDING THAT NOTICE OF HEARING ON SUCH AMENDMENT WAS DULY GIVEN PRIOR TO THE HEARING AS PROVIDED BY LAW AND THAT SUCH PUBLIC HEARING WAS HAD THEREON FINDING THAT THE ZONING MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA, BE AMENDED AS FOLLOWS: THAT THE DESCRIBED REAL PROPERTY BE REZONED FROM I-2, HEAVY INDUSTRIAL TO I-3, GENERAL INDUSTRIAL DISTRICT a parcel of land located in the Northeast Quarter of Section 6, Township 15 North, Range 10, East, excluding land(s) situated in the Southeast Quarter of the South Half of the Northeast Quarter and land situated in the Northeast Quarter of the Northeast Quarter divided by 264th street in Section 6, Township 15 North, Range 10 East of the 6th P. M. Douglas County, Nebraska consisting of 114.23 acres, and moved that the statutory rule requiring reading on three different days be suspended. Council member Stanzel seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Ueckert, Lewis, Marshall, Stanzel. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Ueckert moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 622 be passed and adopted." Upon electronic vote, the following Council members voted YES: Ueckert, Lewis, Marshall, Stanzel. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Marshall introduced Ordinance No.623 entitled: AN ORDINANCE AMENDING THE ZONING REGULATIONS OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FINDING THE PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE PLANNING BOARD OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FOR ITS RECOMMENDATION AND THAT IT RECOMMENDED THE ADOPTION OF THE AMENDMENT; FINDING THAT NOTICE OF HEARING ON SUCH AMENDMENT WAS DULY GIVEN PRIOR TO THE HEARING AS PROVIDED BY LAW AND THAT SUCH PUBLIC HEARING WAS HAD THEREON FINDING THAT THE ZONING MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA, BE AMENDED AS FOLLOWS: THAT THE DESCRIBED REAL PROPERTY BE REZONED FROM I-2, HEAVY INDUSTRIAL TO R-2, MEDIUM/HIGH DENSITY RESIDENTIAL a parcel of land located in the South half of the Northeast quarter of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska consisting of 31.39 acres, and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Stanzel, Ueckert and Lewis, The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Stanzel. The Mayor then stated the question "Shall Ordinance No. 623 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Stanzel, Ueckert and Lewis. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

The city engineer reported work on the North Spruce Street drainage project has progressed to the main drainage ditch for farmer access. He estimated the project is on hold for two to three weeks. There is no pay request this month.

2011 Sanitary Sewer Repair - The contractor was able to proceed immediately. The Front Street project is complete. Gardiner & Mayne is nearly done with one half of the concrete poured. Pine Street is next. They have been carefully dewatering and a manhole will be rehabilitated. He recommended council approval of payment to Thompson Construction.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-18, pay request #1 to Thompson Construction, \$13,228.75 for work completed to date on the Sanitary Sewer Repair project. Stanzel seconded with a question about testing allowances. Lewis, Marshall, Stanzel and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at City Hall.

Southeast Drainage Improvements - Sawyer Construction has completed the east leg of the project. Some additional work was done at the property owner's expense. Work will begin on Maple Street very soon.

There were no miscellaneous engineering items.

Council member Stanzel introduced, read and moved for approval of Resolution No. 2011-19, pay request #5 to Calabretto Building Corporation, 72,132.83 for work completed to date on the library renovation. Bryon seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at City Hall.

The mayor reported the library move is just about finished with books being put on the shelves. A brief discussion about funding followed.

Council member Marshall introduced, read and moved for approval of Resolution No. 2001-20 to authorize the mayor to extend the interlocal agreement with Douglas County for library services. Lewis seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at City Hall.

Council member Marshall moved that the Valley City Council go into closed session for the purpose of having a strategy session with respect to pending litigation against the City of Valley at 7:40 p.m., namely:

- (1) SID #196 of Douglas County, Nebraska v. The City of Valley, Nebraska, Docket 1113, Page 433, Douglas County District Court.
- (2) Bellino Fireworks, Inc. v. City of Valley, Nebraska, Docket 1092, Page 937, Douglas County District Court.
- (3) Ueberrhein, et al v. City of Valley, Nebraska, Docket 1096, Page 903, Douglas county District Court.

Council member Stanzel seconded the motion. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried.

Mayor Caffey stated the council will go into closed session at 7:40 p.m. The subject matter of the closed session shall be limited to a strategy session with respect to pending litigation against the City of Valley, namely:

- (1) SID #196 of Douglas County, Nebraska v. The City of Valley, Nebraska, Docket 1113, Page 433, Douglas County District Court.
- (2) Bellino Fireworks, Inc. v. City of Valley, Nebraska, Docket 1092, Page 937, Douglas County District Court.
- (3) Ueberrhein, et al v. City of Valley, Nebraska, Docket 1096, Page 903, Douglas county District Court.

The meeting was convened in open session at 7:56 p.m.

Mayor's Report - Public Works is preparing the pool to open on Memorial Day. There will be a special meeting May 24 for water/wastewater study and a condemnation hearing. Clean up day went very well. Residents may contact city hall to make an appointment to pick up mulch. Show and Shine will be June 12 from 10 to 3.

Other items - Valley Community Garage sales will be June 4 & 5.

The meeting adjourned at 8:04 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

VALLEY CITY COUNCIL

REGULAR MEETING

April 12, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:04 p.m., on April 12, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Council member Mike Stanzel was absent. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Council member Lewis led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Arbor Day, April 29, 2011 and Twin Rivers YMCA Appreciation Week Proclamations were posted in the city hall entrance.

Council member Marshall moved to approve the agenda. Ueckert seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried.

Council member Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Ueckert and Lewis vote YES. NO; No one, motion carried. Consent agenda items were: Accept minutes and treasurer's report, present bills paid during the month, March payroll \$44,160.93/IRA\$743.42, accept Peopleservice, Inc report and Tree Board minutes of March 28, 2011. Approve bills and additional bills presented for payment.

Douglas County Emergency Management Director Paul Johnson presented the 2010 Douglas County Emergency Operations Plan in book and cd form, noting it is also on the website. He passed out a summary sheet and reviewed the changes, new terminology and programs and training requirements that are in place.

Mr. Johnson explained siren requirements are enforced by the City and located by Douglas County Emergency Management who dictates the type that works with the system as well as checking, testing and maintaining the entire system

Council member Ueckert introduced, read and moved for approval of .Resolution No. 2011-09 to approve the Douglas County Local Emergency Operations Plan, which includes the City of Valley's Emergency Operations Plan as a supporting document; as mandated by the State of Nebraska Emergency Management Act, Reissue Revised Statutes of Nebraska, 1996. Lewis seconded. Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

City insurance agent Linda McDermitt reviewed the quotation for city property and liability coverage for the upcoming year. Property values increased \$800,000. There are premium increases in the property, liability, crime and fidelity, automobile, linebacker and law enforcement. Workers compensation and umbrella coverage premiums decreased slightly and inland marine remained the same. The total additional premium is \$1450.00.

A risk management session was held with the office staff about cash going through the office and interdepartmental purchase orders and inventory controls. Employee health coverage is reviewed annually. She thanked the council and city personnel for their safe/efficient management and presented the city with a dividend check \$7533.13.

City engineer Jim Olmsted reported there will be a special meeting May 24 at 7 p.m. for a thorough review of water/wastewater proprietary funds.

North Spruce Street Drainage Project - The contractor is hauling dirt and has 4 or 5 days of work left on the east-west ditch.

Spruce Street/Reichmuth Road Intersection - Tonight marks the conclusion of this project. The engineer presented and recommended approval of the pay request.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-13, final pay request for Spruce Street and Reichmuth Road intersection improvements. to Great Western Bank, \$12,081.96 and to American Contractors Indemnity, \$12,081.96 Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

2011 Sanitary Sewer Repair Update - The pre-construction meeting was held today. The contractor will begin work next week at Front and Pine Street, then continue on through the remaining parts of the project.

Southeast Drainage Improvements - The project will go forward when the contracts are received from Sawyer Construction. The completion date has been extended to the end of May. Black Hills Energy is planning to run a new gas main along the north side of the project and will coordinate their work with the drainage improvements.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-14, pay request #4 to Calabretto Building Corporation, \$101,375.91 for work completed to date on the library renovation. Ueckert seconded. Following a brief discussion on funding, Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-15, to authorize Mayor Caffey to execute the agreement with Greater Omaha YMCA to operate the outdoor pool for the 2011 season. Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Mallard Landing - City attorney Farnham defined the increments that go into the subdivision agreement. City engineer Olmsted has reviewed all the plans and presented a letter reflecting his review. Water and sewer plans have been sent to the State who will reissue the construction permits. With approvals in place, the final plat will be signed which will enable Mallard to go forward.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-16, to authorize Mayor Caffey to execute the Mallard Landing Phase III Subdivision Agreement. Ueckert seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Keno - City attorney Farnham read State Statute 4-902 with regard to the Outer Limits keno game. He noted Elkhorn had a similar situation in 2001. He will forward a letter to Douglas County and may have to go to Steve Schatz at the state gaming commission for a ruling.

Council member Ueckert introduced, read and moved for approval of Resolution No. 2011-17, action prohibiting lotteries within the City. Marshall seconded. Ueckert, Lewis and Marshall voted YES. No; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Council member Marshall introduced Ordinance No. 620 entitled: AN ORDINANCE TO REPEAL SECTIONS 7-302, 7-303, 7-304 AND 7-308 OF THE CITY OF VALLEY MUNICIPAL CODE AND TO REPLACE SAID SECTIONS WITH NEW SECTIONS CONTAINING REVISED LANGUAGE WHICH SET FORTH THE DEFINITION OF A "CONTRACTOR", REQUIRING EACH SEPARATE LOCATION WHERE FIREWORKS WILL BE SOLD WITHIN THE CITY TO HAVE A SEPARATE PERMIT FROM THE CITY, LIMITING THE ORGANIZATIONS WHO MAY APPLY FOR A PERMIT TO SELL FIREWORKS, REQUIRING A CONTRACTOR TO SUPPLY CERTAIN INFORMATION ON THE APPLICATION FOR A PERMIT, AND CHANGING THE REQUIRED DISTANCE BETWEEN ESTABLISHMENTS SELLING FIREWORKS FROM THREE HUNDRED FEET TO TWENTY FEET and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 620 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Ueckert introduced Ordinance No. 621 entitled: AN ORDINANCE REPEALING SECTION 6-306 OF THE VALLEY MUNICIPAL CODE. AN ORDINANCE FIXING THE RATE FOR SEWER SERVICES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, and moved that the statutory rule requiring reading on three different days be suspended. Council member Marshall seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Ueckert moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 621 be passed and adopted." Upon electronic vote, the following Council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Lewis moved to table action on Resolution 2011-18. Marshall seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried.

Litigation report by city attorney Farnham - Item a, SID #196, attorney Andy Simpson has written a draft of answers that Farmham and Jim Olmsted will review. Item b. Bellino Fireworks, no change, just sitting there, hoping for dismissal. Item c. Ueberrhein, no changes, no ruling.

Mayor's Report - Continues to be very busy, working on the newsletter, clean up day and Show and Shine plans with library dedication will be June 12.

Other items - Western Douglas County Chamber Scholarship luncheon is April 26. Arbor Day celebration is April 29 at D. C. West grade school. Clean up Day is May 7 from 9 - 2. Planning Commission meets April 19.

The meeting was adjourned at 9:20 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

CITY OF VALLEY PUBLIC HEARING

February 8, 2011

Mayor Caffey called the public hearing to order at 7:04 p.m. and stated a copy of the open meetings act is located on the north wall of the council chamber.

Proof of publication was available on the council desk and posted in the city office window.

Present were mayor Mary Caffey, council members Linda Lewis, Rod Marshall, Mike Stanzel and Bryon Ueckert.

The purpose of the public hearing is for comments and input on the One-And-Six-Year-Street Plan 2011.

City engineer/street superintendent Jim Olmsted reviewed the map and plan. He explained the M stands for city, 599 is Valley's state number and the numbers in parenthesis are the engineer's internal numbers.

The Board of Public Roads Construction and Standards requires that you have a plan and that you hold a public hearing on that plan. Three components, 1 & 6 year street plan, lane miles report and NDOR reports, are used to determine city highway allocation dollars.

This plan is based on Ken Grimm's priority list. The first year is general routine repair and maintenance of all streets which includes replacing concrete panels & curbs and asphalt patch. Year two focuses on intersection replacement. Ensuing years include routine repair and maintenance as well as repair and replace panels, paving and paving replacement and tarring cracks.

There being no additional questions or comments, the hearing was closed at 7:12 p.m.

VALLEY CITY COUNCIL

REGULAR MEETING

February 8, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:12 p.m., on February 8, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, attorney Andy Simpson, clerk Joan Suhr. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Andy Simpson led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor. Copies of the thank you note from Frankie Kirkwood for receiving employee of the year award were at each council member's place on the council table.

Dwight Frost, 261 Lakehurst Drive, Waterloo addressed fireworks Ordinance #617. He thanked the city for their support of Legion and Little League baseball and softball. He addressed section 7-304, the application process. The supplier usually pays the non-

profit \$4000. + \$4000 + \$500 senior scholarship upfront. The attorney clarified that volunteers may not make up the entire labor force but did need to be involved. Mr. Frost asked if the non-profit was required be a 501c3, the attorney felt non-profit is acceptable.

Mr. Frost was asked to come forward following the 2011 process to be part of a committee or meet with council to discuss his ideas and suggestions for fireworks.

Council member Stanzel read a proclamation declaring February 2011 Flood Education & Awareness month.

Council member Lewis read a proclamation designating March 14-20, 2011 as National Multiple Sclerosis Awareness Week.

Council member Ueckert moved to approve the agenda . Stanzel seconded. Ueckert, Lewis, Marshall and Stanzel, voted YES. NO; No one, motion carried.

Council member Ueckert moved to approve the consent agenda. Marshall seconded. Ueckert, Lewis, Marshall and Stanzel voted YES. NO. No one, motion carried. Items on the consent agenda were: Accept January 11 minutes, treasurer's report, January payroll \$39,872.76/IRA \$700.07, December Keno receipts \$1,802.59 PeopleService, Inc. report, approve planning commission appointments, Mike Conrey, 3 year term and Ron King alternate 3 year term. Approve bills paid during the month, bills and additional bills presented for payment.

Council member Marshall moved to recommend approval of the special designated liquor license application submitted by YMCA of Greater Omaha for the Strong Kids Campaign dinner & auction to be held at Twin Rivers Community Center, 6100 Twin Rivers Circle from 5:30 to 11 p.m. on March 12, 2011. Council member Stanzel seconded. VOTE: YES; Marshall, Stanzel, Ueckert and Lewis. NO; No one. Motion carried.

Library renovation change orders in process are: the sump pump and closet were rearranged, the front windows were resting on floor joists and require footings. The existing back door will need to be replaced.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-04 pay request #2 to Calabretto Building Corporation for \$38,228.68 for work completed to date on the library renovation. Ueckert seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO: No one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Council member Stanzel introduced, read and moved for approval of Resolution No. 2011-05 adoption of the one-and-six-year plan for the construction, maintenance and repair of the streets of the City of Valley as prepared by the City Street Superintendent. Lewis seconded. Stanzel, Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

City Engineer - North Spruce Drainage project - Nothing new to report, trees and brush have been removed and a bit of grading has been done. Work has been suspended for the season.

Spruce Street/Reichmuth Road - We have reached the stage where the City will receive

a final statement of work and recommendation for payment of waivers and claims at the March meeting.

Gardiner/Mayne sewer main repair - The bids will go out this spring. In reviewing the tapes, it appears there are several areas that may require attention.

Council member Marshall moved to approve March 8 for the bid opening for the Gardiner/Mayne sewer main repair project. Stanzel seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried.

Southeast Drainage Improvements - There are five segments of the project. 1. Maple Street between 264th & 270th. 2. 264th Street north approximately 700 feet. 3. Around Mallard Landing. 4. Church Property & water treatment plant on 270th north to Meigs. 5. Meigs Street between 264th and 270th.

Council member Lewis moved to direct the city engineer to proceed with specifications and bids for the southeast drainage improvements project. Marshall seconded. Lewis, Marshall, Stanzel and Ueckert voted YES. NO; No one, motion carried.

Miscellaneous - Mr. Olmsted has sent the new city limits map to the State for the 1 & 6 year plan and the lane miles report.

Council member Marshall introduced Ordinance No. 614 entitled: AN ORDINANCE RELATING TO ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO AMEND EXISTING SECTIONS OF THE VALLEY MUNICIPAL CODE RELATING TO ALL-TERRAIN VEHICLES TO INCLUDE UTILITY-TYPE TO ALLOW THE OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS INCLUDING EXISTING SECTIONS 3-412, 3-413, 3-414, 3-415, 3-416, 3-417, 3-418, 3-419 AND 3-420 OF THE MUNICIPAL CODE OF THE CITY OF VALLEY; TO PROVIDE AN EFFECTIVE DATE, and moved that the statutory rule requiring reading on three different days be suspended. Council member Stanzel seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Stanzel. The Mayor then stated the question "Shall Ordinance No. 614 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Marshall introduced Ordinance No. 617 entitled: AN ORDINANCE TO REPEAL SECTIONS 7-301, 7-302, 7-303 AND 7-401 CITY OF VALLEY MUNICIPAL

CODE AND REVISE THE CITY OF VALLEY MUNICIPAL CODE TO REPLACE SAID SECTIONS WITH AN ORDINANCE SETTING FORTH THE TYPES OF FIREWORKS THAT WILL BE PERMITTED AND PROHIBITED WITHIN THE CITY; PERTAINING TO THE SALE OF FIREWORKS WITHIN THE CITY AND THE GRANTING OF PERMITS TO PERSONS OR ORGANIZATIONS FOR THE SALE OF FIREWORKS WITHIN THE CITY; PROVIDING PROCEDURES FOR THE APPLICATION FOR PERMITS TO SELL FIREWORKS WITHIN THE CITY; PROVIDING PROCEDURES TO GRANT PERMITS TO APPLICANTS IN THE EVENT MORE APPLICATIONS ARE RECEIVED THAN THE NUMBER OF PERMITS TO BE ISSUED; LIMITING THE ISSUANCE OF PERMITS; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE, and moved that the statutory rule requiring reading on three different days be suspended. Council member Stanzel seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 617 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Stanzel, Ueckert, Lewis. The following voted NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Stanzel introduced Ordinance No. 618 entitled: AN ORDINANCE TO MOVE THE REGULAR MEETING OF THE CITY COUNCIL FOR THE MONTH OF MARCH 2011 FROM THE SECOND TUESDAY OF THE MONTH, MARCH 8, 2011, TO THE THIRD TUESDAY OF THE MONTH, MARCH 15, 2011, and moved that the statutory rule requiring reading on three different days be suspended. Council member Marshall seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Ueckert, Lewis, Marshall. The following voted NO: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Stanzel moved for final passage of the ordinance, which motion was seconded by council member Marshall . The Mayor then stated the question "Shall Ordinance No. 618 be passed and adopted." Upon electronic vote, the following Council members voted YES: Stanzel, Ueckert, Lewis, Marshall. The following voted NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Mayor's Report - The planning commission will meet February 15 to consider rezoning the Pesek property from I-2 to I-3 and the church property from I-2 to R-2.

James Musson began employment in the public works department February 7.

Show & Shine date is June 5. Terry Winkler is the contact person. The new library dedication will be held that day.

Twin Rivers YMCA dinner and auction is March 12 at 6 p.m.

The special meeting on March 1 will begin at 6 p.m.

The meeting was adjourned at 9:20 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

CITY OF VALLEY PUBLIC HEARING

January 11, 2011

Mayor Caffey called the public hearing to order at 7:00 p.m. and stated a copy of the open meetings act is located on the north wall of the council chamber.

Proof of publication was available on the council desk and posted in city office window.

Present were mayor Mary Caffey, council members Linda Lewis, Rod Marshall, Mike Stanzel and Bryon Ueckert.

The hearing is for input on recommendations forwarded from the Planning Commission hearing held December 21, 2010 to consider an application to rezone from TA (Transitional Ag) to C-3 (Highway Business District) a portion of land located in the Southeast Quarter of the Southeast Quarter of Section 15, Township 16 North, Range 9, East of the 6th PM, Douglas County Nebraska consisting of one-half (1/2) acre owned by Roger and Carol Booze at 30290 Rainwood Road, Valley, Nebraska.

Council member Ueckert asked if there was road access for the property.

Shane Placek, 340 East Military Avenue, Fremont the attorney representing the Booze's stated part of the road on the west side of the property has been dedicated for easement. The intent is to sell equipment and vehicles. The split has been approved through the proper sequence.

There were no further questions or comments.

The hearing was closed at 7:05 p.m.

VALLEY CITY COUNCIL

REGULAR MEETING

January 11, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:05 p.m., on January 11, 2011, at Valley City Hall. Present were

mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, city attorney Jeff Farnham, clerk Joan Suhr. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Council member Lewis led the pledge of allegiance. Proof of publication was on the council desk and posted in city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item and is not on the agenda to come forward at this time, noting they will have three minutes to speak. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Council member Marshall moved to approve the agenda . Stanzel seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried.

Council member Ueckert moved to approve the consent agenda. Lewis seconded. Ueckert, Lewis, Marshall and Stanzel voted YES. NO. No one, motion carried. Items on the consent agenda were: Accept December 14 minutes, treasurer's report, December payroll \$62,003.79/IRA \$985.08, November Keno receipts \$1,675.85 PeopleService, Inc. report and December 21 Planning Commission minutes. Approve bills paid during the month, bills and additional bills presented for payment.

The Mayor introduced Doug Eggen as the new webmaster, explaining the city is moving to a new host and field. Doug has done a good job and is actively seeking input. His presentation tonight is food for thought. There are many factors to be considered such as long range growth, better communication with citizens, economic development and on line utility payments.

Mr. Eggen's demonstration included a calendar, news flash and notify me tabs, employee biography and will soon include agendas and meeting minutes. The municipal code book and comprehensive plan have been uploaded to the new site. The launch date is February 1. There will be publicity in the Gazette, the Mayor's newsletter and on the marquee. There was positive and enthusiastic council discussion and feedback during the presentation.

Council member Stanzel introduced Ordinance No.616 entitled: AN ORDINANCE AMENDING THE ZONING REGULATIONS OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FINDING THE PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE PLANNING BOARD OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FOR ITS RECOMMENDATION AND THAT IT RECOMMENDED THE ADOPTION OF THE AMENDMENT; FINDING THAT NOTICE OF HEARING ON SUCH AMENDMENT WAS DULY GIVEN PRIOR TO THE HEARING AS PROVIDED BY LAW AND THAT SUCH PUBLIC HEARING WAS HAD THEREON; FINDING THAT THE ZONING MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA, BE AMENDED AS FOLLOWS: THAT THE DESCRIBED REAL PROPERTY BE REZONED FROM TA, TRANSITIONAL

AGRICULTURE TO C-3 HIGHWAY BUSINESS DISTRICT, and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Ueckert, Lewis, Marshall. The following voted NO: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Ueckert moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 616 be passed and adopted." Upon electronic vote, the following Council members voted YES: Ueckert, Lewis, Marshall, Stanzel. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Following discussion, council member Stanzel suggested leaving the mileage reimbursement at 50¢ per mile. Council members concurred.

City Engineer - North Spruce Street Drainage - The contractor has completed about 90% of the clearing and grubbing. He is depositing the excess dirt on property located south of Reichmuth Road. The mayor interjected it won't impact drainage and the fill will raise the property to FEMA requirements for building, it is a win-win.

Spruce Street/Reichmuth Road Intersection Repair - He has received complete information all but one contractor. The city attorney has correspondence from the Bond Company. The engineer will submit the claims to CYC Construction for confirmation then forward to the bond company. It could be March or April before this is settled.

Meigs Street Trench Drain - The Meigs street trench drain repair is complete. Repairs for the Spruce Street trench drain that were included in the project will be completed in the spring.

Gardiner/Mayne Sewer main repair - Bids will be opened March 8 with a March 15 start date. The project will include complete tear out and replacement.

Miscellaneous - The engineer recommended approval of the pay request from Utilities Service Group. The sewer televising project is 95% complete with a small amount of work to complete. He offered to show highlights of the televising to council members.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-01, pay request No. 3, \$18,933.75 to Utilities Service Group for work completed to date for televised inspection of sanitary sewers. Stanzel seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO: No one, motion carried. A true, correct and complete copy of said resolution is on file at City Hall.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-02, pay request No. 1, \$36,000.00 to Goree Backhoe & Excavating Inc. for work completed to date for North Spruce Street drainage improvements. Ueckert seconded. Lewis, Marshall, Stanzel and Ueckert voted YES. NO: No one, motion carried. A true,

correct and complete copy of said resolution is on file at City Hall. The city engineer recommended approval of payment.

Council member Stanzel introduced, read and moved for approval of Resolution No. 2011-03, pay request No. 1, \$22,770.00 to Calabretto Building Group, Inc. for work completed to date for televising wastewater lines. Noting the wording error, council member Stanzel withdrew his motion.

Council member Marshall moved to amend and correct Resolution No. 2011-03 by replacing the words "televising wastewater lines" with "for library renovation". Stanzel seconded. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried.

Council member Stanzel introduced, read and moved for approval of Resolution No. 2011-03, pay request No. 1, \$22,770.00 to Calabretto Building Group, Inc. for work completed to date for library renovation. Lewis seconded. Stanzel, Ueckert, Lewis, and Marshall voted YES. NO: No one, motion carried. A true, correct and complete copy of said resolution is on file at City Hall. The architect recommended approval of payment.

Jim Olmsted explained the one-and-six year plan is an annual requirement due to the State by March 1 of each year. The plan should show in addition to routine repair and maintenance, planned capital improvements. Ken Grimm submitted a complete wish and laundry list, taking in the newly annexed areas for council consideration. The public hearing will be held February 8. The list was reviewed and discussed.

Council member Ueckert moved to increase the annual employee salary package 2%, effective the first pay period of 2011. Lewis seconded. Ueckert, Lewis, Marshall and Stanzel voted YES. NO; No one, motion carried.

Council member Marshall moved that the Valley City Council go into closed session for the purpose of having a strategy session with respect to pending litigation against the City of Valley, namely:

- (1) SID #196 of Douglas County, Nebraska v. The City of Valley, Nebraska, Docket 1113, Page 433, Douglas County District Court.
- (2) Bellino Fireworks, Inc. v. City of Valley, Nebraska, Docket 1092, Page 937, Douglas County District Court.
- (3) Ueberrhein, et al v. City of Valley, Nebraska, Docket 1096, Page 903, Douglas county District Court.

at 8:08 p.m. Council member Ueckert seconded the motion. Marshall, Stanzel, Ueckert and Lewis voted YES. NO; No one, motion carried.

Mayor Caffey stated the council will go into closed session at 8:08 p.m. The subject matter of the closed session shall be limited to a strategy session with respect to pending litigation against the City of Valley, namely:

- (1) SID #196 of Douglas County, Nebraska v. The City of Valley, Nebraska, Docket 1113, Page 433, Douglas County District Court.
- (2) Bellino Fireworks, Inc. v. City of Valley, Nebraska, Docket 1092, Page 937, Douglas County District Court.
- (3) Ueberrhein, et al v. City of Valley, Nebraska, Docket 1096, Page

903, Douglas county District Court.

The meeting was convened in open session at 8:28 p.m.

Mayor's Report - The League of Nebraska Municipalities mid-winter conference is February 28 - March 1 in Lincoln. Contact Shawn if you are planning to attend so she will make the reservations. The appreciation dinner hosted by Olmsted & Perry and PeopleService, Inc., is January 14 at Farmer Brown's. John Reefe is slowly improving. A pool party pass has been donated to the D. C. Post Prom Committee. Tony Johnson is talking to incorporate in Minneapolis regarding Valhaven.

A snow emergency was not declared during the recent snow as there were only about 10 vehicles parked on the streets and the crew was able to clear snow. Ken and crew started at 2 a.m., noticed a few people out at 4 a.m. and by 6 a.m. traffic was full blown. They cleared 88 miles times four with three vehicles. There were three breakdowns and six to ten hours overtime each. They switched directions of plowing this time starting at the south end and working north. They sanded today and Mike Kojdecki cleared city property sidewalks.

The Mayor distributed pictures of downtown Valley in 1914 and members of the Valand Development Company.

Library Renovation Progress - Council member Marshall reported there is a construction meeting each Friday. The demolition is 99% complete and the building is basically gutted. The trash and water are out of the basement which included among other things, a cistern and a windmill pad, a 1924 brass plaque and an old sewing machine. The basement is being sealed and will have to air out before the foam is installed. Roof tear off was completed last week. The project is coming along nicely and is very clean and tidy.

The city attorney and police chief will review the UTV/ATV Ordinance for council consideration at the February meeting.

Mr. Farnham's office has been reviewing and assessing fireworks ordinances and information.

The meeting was adjourned at 8:52 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

